THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.243 OF 2006

DATED:4.1.2006

Between:

Mohd. Sadiq Shareef and another

…Petitioners

And

Govt. of A.P. rep. by its Special Chief Secretary

to Government, Revenue (UC.II) Department,

Secretariat, Hyderabad and another

…Respondents

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ORDER:

The petitioners claim to be legal heirs entitled for a share in the property left behind by late Sir Vicar-Ul-Umrah who died in 1902. After his death, his heir Nawab Sir Sultan-Ul-Mulk was found to be incapable of managing the estate. Therefore, the then Ruler of Hyderabad State, Nizam took over the estate and kept under his supervision from 1912 A.D, and after formation of Andhra Pradesh State, the Government of Andhra Pradesh, in exercise of powers conferred under A.P. (Telangana Area) Court of Wards Act, 1350 fasli (Court of Wards Act) issued orders in G.O.Ms.No.225, dt.12.2.1964 to the effect that the estate shall continue to be under the Court of Wards, at present the Chief Commissioner of Land Administration (CCLA). According to the petitioners, the land in S.No.194/1 to 194/12 form part of

the estate of Sir Vicar-Ul-Umrah and nobody can claim any right over the same.

It is the case of the petitioners that on an application made by Habeeb Nawaz Jung, second respondent claiming himself to be absolute owner of the land admeasuring 7574.65 Sq.mts in S.No.194/10 situated at Begumpet Village, Balanagar Mandal, Ranga Reddy District, the Government issued orders in G.O.Ms.No.1906, dt.14.11.2005 exempting the land under Section 20(1)(a) of the Urban Land (Ceiling and Regulation) Act, 1976 (ULC Act). The petitioners contend that when the land is vested in the Court of Wards, it was illegal for the first respondent to grant exemption under Section 20(1)(a) of the ULC Act purporting to exercise powers under G.O.Ms.No.456, dt.29.7.2002.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General).

This Court has also perused the notifications issued by the erstwhile Board of Revenue and the proceedings of the CCLA. The petitioners have placed before this Court G.O.Ms.No.225, dt.12.2.1964. A reading of the same would show that the Board of Revenue (Court of Wards) issued proceedings on 3.1.1961, which was published in the A.P. Gazette No.3, dt.26.1.1961. The same was issued in purported exercise of powers under Section 53 of the Court of Wards Act withdrawing its superintendence from the estate of Sir Vicar-Ul-Umrah releasing the estate in favour of heirs of Sir Vicar-Ul-Umrah. The Board of Revenue also directed that the estate will be handed over to the legal heirs as per the procedure and method agreed upon by the heirs. It appears, the heirs could not suggest any agreed procedure and there was no release of the estate. The Court of Wards continue to supervise the estate. Therefore, the Government again issued orders in G.O.Ms.No.225, dt.12.2.1964 in exercise of powers under Section 12 of the Act directing the estate of Sir Vicar-Ul-Umrah to continue under the Court of Wards Act. Schedule-A to the proceedings of the Board contains the properties in the estate, which were initially ordered to be released and latter ordered to be within the supervision of the Board of Revenue. The land in S.No.194/10, *prima facie*, appears to be not one of the items over which the Court of Wards exercised superintendence. CCLA issued proceedings dt.27.1.2003 informing the Collector, Ranga Reddy District, that the land in question is the property of Sir Vicar-Ul-Umrah, and the powers under Sections 14, 16, 17 and 21 of the Court of Wards Act are delegated to the concerned Collectors, and requested to direct the Mandal Revenue Officer, Balanagar, to fix up sign boards over the paigha lands. No doubt, the said proceedings refer to lands in S.No.194/1 to 194/12. The same, however, is not conclusive that the land in S.No.194/10 for which exemption was granted under the ULC Act is under the supervision of Court of Wards. This Court, however, hastens to add that the petitioners have not placed any material before this Court to come to a conclusion that the land, which is subject matter of the impugned G.O. is paigha of Sir Vicar-Ul-Umrah. In this background, the petitioners cannot be said to have any *locus standi*. However, it shall be open to them to approach the CCLA and file application in this regard. Whenever such application is filed, it shall be open to CCLA to take up the matter with the Government of Andhra Pradesh, which issued orders under the ULC Act.

The Writ Petition, with the above observations, is accordingly disposed of.

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(V.V.S.RAO, J)

4.1.2006

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